



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

Police Chief: John M. Fitzgerald

GENERAL ORDER: 5-46.1 NOISE CONTROL

DATE: 8/15/2012 Pages: 2 ♦ New ♦ Amended ♦ Revised

CALEA:

I. POLICY

Chevy Chase Village adopted the Montgomery County noise ordinance (Chapter 31B of the County Code) in addition to its own noise control ordinance (Chapter 20 Noise Control).

- A. No person shall sound a horn or other signaling device on any motor vehicle except as an emergency or danger signal.
- B. Except in an emergency, outdoor power equipment such as lawn mowers, chain saws or other motorized equipment **may not** be operated during the hours:
 - after 6:00 p.m. or before 8:00 a.m. on weekdays or,
 - after 6:00 p.m. or before 9:00 a.m. on weekends and legal holidays.
- C. Operate a radio, phonograph, television, loud speaker or other noise producing equipment or device in a manner which injures or endangers the serenity, comfort or repose of others particularly between the hours of:
 - 10:00 p.m. or before 8:00 a.m. on weekdays or,
 - 12:00 a.m. or before 8:00 a.m. on Fridays, Saturdays, or nights before holidays.
- D. No musical instrument shall be played in a manner that disturbs the serenity, comfort or repose of others between the hours of:
 - 10:00 p.m. or before 8:00 a.m. on weekdays or,
 - 12:00 a.m. or before 8:00 a.m. on Fridays, Saturdays, or nights before holidays.
- E. No animal shall be allowed to cause noise which disturbs the serenity, comfort and repose of others.
- F. When determining if a noise meets the criteria of this section, the following factors should be taken into consideration:

- 1. The circumstances and occasion under which the noise is created.
- 2. The duration of the noise.
- 3. Whether the noise poses a special hazard or nuisance to others because of their age, physical condition or special illness.

- G. Any person who violates any of the provisions above shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of the Village Code.

II. Responding to Complaints for Generator Noise

- A. We will enforce the noise ordinance objectively and fairly without bias.
- B. During power outages, we will respond and investigate noise created by generators when we receive a complaint; we will not search for generators that are in violation of the noise ordinance.
- C. If we identify a generator that is in violation of the noise limits, we will seek compliance by courteously explaining the law to the generator owner, displaying the sound level meter (SLM) reading to them, and instructing them to turn off the generator until the owner can bring the generator into compliance.
- D. We will resort to charging via civil citation only if we do not get voluntary compliance.

III. Noise Regulations

The Village and County noise ordinances apply to both fixed and portable generators. Below are some of the key provisions of the County noise ordinance:

- A. The maximum noise limit—measurements are taken from a complainant's property line closest to the generator—is 65 decibels (dBA) during daytime hours (**7 a.m. to 9 p.m. on weekdays, 9 a.m. to 9 p.m. on weekends and holidays**) and 55 dBA during nighttime hours.
- B. These limits apply to generators at all times; there is no exception based upon weather or other circumstances.

- C. Violations are charged via civil citation by using county code **Section 31B-5**. The fine is \$500 for a first offense and \$750 for a subsequent offense. Each day a violation continues is a separate offense, so fines can accrue daily.

Maximum Allowable Noise Levels (dBA) for Receiving Noise Areas		
	Daytime	Nighttime
Non-residential area	67	62
Residential area	65	55

IV. Procedures

- A. Dispatchers will obtain complainant information (identity, phone numbers, address) as usual, and will inform the complainant that the officer will respond and meet with them.

Officers will:

- B. Get the Sound Level Meter (SLM) from the station, then respond to the complainant's location and meet with the complainant.
- C. Explain the noise measurement procedure and the noise law to the complainant, then obtain the complainant's permission to enter the complainant's yard to conduct the sound measurement.
- D. Utilize the SLM to measure the sound in accord with the training and the instruction sheet in the SLM's carrying case (power on, calibrate, capture sound for 10 seconds, scroll to the "Max" screen). **DO NOT TURN THE SLM OFF; LEAVE IT ON SO THAT YOU CAN SHOW THE READING TO THE GENERATOR OWNER.**
- E. Display the reading on the 'Max' screen and show it to the complainant. Remember, per County regulations, we must allow a **2.5 dBA grace** to account for all possible inaccuracies. **This means that a residential nighttime violation requires a reading of at least 57.5 dBA, and a residential daytime violation requires a reading of at least 67.5 dBA.**
- F. **No violation:** If the generator's noise is NOT a violation, explain that fact to the complainant and take no further police action. Document the call in CODY as usual.
- G. **Violation:** If the generator's noise is a violation, explain to the complainant that you will be making contact with the owner of the generator and you will

instruct the owner to turn off the generator until it is in compliance.

1. **Make contact with the generator owner** (consider making contact by telephone first so as not to alarm the resident) and inform them that we received a complaint and that according to our sound meter, their generator is in violation of the noise law.
2. **Explain the noise limits** (55 dBA nights/65 dBA days) **and explain that a violation is \$500, but our goal is not to fine but to seek compliance**
3. **Offer to display** the SLM 'Max' reading to the generator owner.
4. **Explain to the owner that they must turn off** their generator until they have installed sound attenuation devices or until 9am (assuming that the generator is within the daytime noise limit of not more than 67.5 dBA)
5. Only issue a civil citation charging the owner with a violation of section 31B-5 if they refuse to turn off the generator. **EXCEPTION: We will not order a generator to be turned off—and we will NOT issue a citation—if a generator is being used to power essential medical equipment/devices in the home.**
6. **Provide a 'Noise Law' handout to the generator owner** (copies should be in the SLM case).